

AMENDED IN SENATE JANUARY 4, 2012

**SENATE BILL**

**No. 748**

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**Introduced by Senator Gaines**

February 18, 2011

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An act to ~~amend Section 1749.85 of the Insurance Code, relating to insurance~~ add Section 5003.20 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 748, as amended, Gaines. ~~Insurance: replacement cost. State parks: Kings Beach State Recreation Area.~~

*Under existing law, the Department of Parks and Recreation is required to operate, manage, and maintain units of the state park system. Existing law regulates the sale of surplus state property.*

*This bill would authorize the Director of the Department of Parks and Recreation to grant to the North Tahoe Public Utility District, subject to specified conditions, all of the rights, title, and interest of the State of California in approximately \_\_\_\_ acres, known as Kings Beach State Recreation Area, in the County of Placer. The bill would require that the real property conveyed be operated, maintained, and improved by the North Tahoe Public Utility District for public recreation purposes. The bill would require Attorney General review and approval of the deposit of the net proceeds from the transfer.*

~~Existing law requires the Insurance Commissioner to appoint a curriculum committee to develop prelicensing and continuing education curriculum, as specified. Existing law required the curriculum committee, in 2006, to make recommendations to the commissioner regarding instructing specified broker-agents and applicants for those broker-agent licenses in proper methods for estimating the replacement~~

~~value of structures and of explaining various levels of coverage under a homeowners' insurance policy.~~

~~This bill would require the curriculum committee to make recommendations to the commissioner regarding instructing specified broker-agents and applicants for those broker-agent licenses in proper methods for estimating the replacement cost of structures.~~

~~Existing law prohibits a person who is not an insurer, underwriter, or actuary or other person identified by the insurer, or a licensed fire and casualty broker-agent, personal lines broker-agent, contractor, or architect from estimating the replacement value of a structure, or explaining various levels of coverage under a homeowners' insurance policy.~~

~~The bill would instead prohibit a person who is not an insurer, underwriter, or actuary or other person identified by the insurer, or a licensed fire and casualty broker-agent, personal lines broker-agent, contractor, or architect from estimating the replacement cost of a structure.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 5003.20 is added to the Public Resources  
2     Code, to read:  
3     5003.20. (a) Notwithstanding the provisions of Division 3  
4     (commencing with Section 11000) of Title 2 of the Government  
5     Code that relate to the disposition of state-owned real property,  
6     the director may grant to the North Tahoe Public Utility District,  
7     subject to the conditions set forth in this section, all of the rights,  
8     title, and interest of the state in approximately \_\_\_\_ acres, known  
9     as the Kings Beach State Recreation Area, in the County of Placer.  
10    (b) The grant is subject to all of the following conditions:  
11    (1) The real property conveyed shall be operated, maintained,  
12    and improved by the North Tahoe Public Utility District for public  
13    recreation purposes in perpetuity, consistent with any covenants,  
14    conditions, and restrictions in the deed transferring the property.  
15    (2) The North Tahoe Public Utility District shall pay the  
16    department fair market value, in accordance with mutually agreed  
17    upon terms, for the real property conveyed and as restricted by  
18    paragraph (1). The fair market value shall be determined by an

1 appraisal that is reviewed and approved by the Department of  
2 General Services.

3 (3) The net proceeds from the transfer shall be deposited  
4 pursuant to Section 5003.15, with Attorney General review and  
5 approval.

6 (4) At the option of the state, the real property conveyed shall  
7 revert to the state if the real property is not used for public  
8 recreation purposes.

9 (5) The North Tahoe Public Utility District takes the property  
10 as is and assumes responsibility for compliance with the Americans  
11 with Disabilities Act of 1990, as amended (42 U.S.C. Sec. 12101  
12 et seq.).

13 (c) The Legislature finds and declares that the transfer to the  
14 North Tahoe Public Utility District of the real property described  
15 in subdivision (a) and subject to the conditions specified in  
16 subdivision (b) is excepted from the provisions of Section 5096.516  
17 in accordance with paragraph (3) of subdivision (c) of Section  
18 5096.516.

19 ~~SECTION 1. Section 1749.85 of the Insurance Code is~~  
20 ~~amended to read:~~

21 ~~1749.85. (a) The curriculum committee shall make~~  
22 ~~recommendations to the commissioner to instruct fire and casualty~~  
23 ~~broker-agents and personal lines broker-agents and applicants for~~  
24 ~~fire and casualty broker-agent and personal lines broker-agent~~  
25 ~~licenses in proper methods of estimating the replacement cost of~~  
26 ~~structures, and of explaining various levels of coverage under a~~  
27 ~~homeowners' insurance policy. Each provider of courses based~~  
28 ~~upon this curriculum shall submit its course content to the~~  
29 ~~commissioner for approval.~~

30 ~~(b) A person who is not an insurer underwriter or actuary or~~  
31 ~~other person identified by the insurer, or a licensed fire and casualty~~  
32 ~~broker-agent, personal lines broker-agent, contractor, or architect~~  
33 ~~shall not estimate the replacement cost of a structure, or explain~~  
34 ~~various levels of coverage under a homeowners' insurance policy.~~

35 ~~(c) This section shall not be construed to preclude licensed~~  
36 ~~appraisers, contractors and architects from estimating replacement~~  
37 ~~cost of a structure.~~

38 ~~(d) However, if the Department of Insurance, by adopting a~~  
39 ~~regulation, establishes standards for the calculation of estimates~~  
40 ~~of replacement cost of a structure by appraisers, then on and after~~

- 1 the effective date of the regulation a real estate appraiser's estimate
- 2 of replacement cost shall be calculated in accordance with the
- 3 regulation.